

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas

FILED

August 23, 2023

Nathan Ochsner, Clerk of Court

United States of America
v.
LINO COVARRUBIAS RUBIOCase No. **4:23-mj-1704**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 26, 2023 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 U.S.C. § 1326 (a) and (b)(1)

Offense Description

a native and citizen of Mexico, and an alien who had been previously deported from the United States, subsequent to having been convicted of a crime defined as a felony, was found unlawfully in the United States at Houston, Texas, the said defendant having not obtained the consent before March 2003 from the Attorney General of the United States to reapply for admission into the United States; and without having obtained corresponding consent after February 2003 from the Secretary of Homeland Security pursuant to 6 U.S.C. §§ 202(3) and (4) and 6 U.S.C. § 557,

This criminal complaint is based on these facts:

See Attached Affidavit in support of the Criminal Complaint

☐ Continued on the attached sheet.

Complainant's signature

Justin Vedder, ICE Deportation Officer

Printed name and title

Sworn to me telephonically.

Date: 08/23/2023City and state: Houston, Texas

Judge's signature

Yvonne Y. Ho, United States Magistrate Judge

Printed name and title

4:23-mj-1704

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Justin Vedder, being duly sworn by telephone, hereby depose and say:

(1) I am a Deportation Officer with the United States Immigration and Customs Enforcement (“ICE”) and have served in that capacity since September 2016. Prior to this assignment, I have held the following positions: US Customs and Border Protection Officer and Immigration Enforcement Agent. My law enforcement career began on January 26, 2004, as a US Customs and Border Protection Officer. I have over 19 years of immigration law enforcement experience.

(2) On August 17, 2023, Lino Covarrubias Rubio was arrested by the USMS. The Defendant also goes by the alias(s) of Lino Covarrubias-Rubio, Lino Rubio, Lino Rubio Covarrubias, Lino C Coarrubis-Rubio, and Carlos Coarrubis-Rubio.

(3) The Defendant’s fingerprints have been taken and electronically submitted to various law enforcement databases. According to the Integrated Automated Fingerprint Identification System (IAFIS), the Defendant is the same individual as the person referred to in this Affidavit as having been previously convicted and deported.

(4) Based upon the information from ICE’s records as described below, and my training and experience, I submit that there is probable cause to believe that the Defendant is in violation of 8 U.S.C. § 1326(a) and (b)(1).

(5) Element One: The Defendant is a citizen and national of Mexico and not a native, citizen or national of the United States.

(6) Element Two: The Defendant has previously been deported or removed from the United States on the following occasion(s):

- a. September 09, 2022
- b. March 23, 2022
- c. November 10, 2010
- d. May 03, 2007

(7) Element Three: After deportation, the Defendant was subsequently found in the United States on June 26, 2023 in Houston, Texas, which is within the Houston Division of the Southern District of Texas. Additionally, I consulted with ICE’s Law Enforcement Support Center (“LESC”) to determine whether, in the past five years and after the Defendant’s last deportation,

the Defendant had been encountered by law enforcement prior to the date specified earlier in this paragraph. On August 23, 2023, LESC advised me that it had no record of such an encounter.

(8) Element Four: The Defendant did not have permission to re-enter the United States. On August 23, 2023, I reviewed the contents of the Alien File associated with this Defendant and/or available database information. I found no indication that the Defendant has ever received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, to apply for admission to the United States following deportation from the United States. I have requested certification of this fact from the Records Branch of the Immigration Service.

(9) Prior Criminal History / Gang Affiliation. The Defendant has the following prior criminal history and/or gang affiliation:

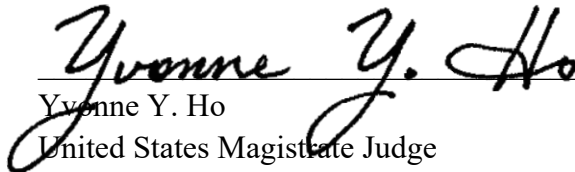
- a. On August 17, 2023, the Defendant, using the name Lino Covarrubias Rubio, was arrested by the United States Marshals Service for violation of his supervised release terms under the Southern District of Florida, Miami Division, case 1:19-cr-20079. This case is currently assigned to the Southern District of Texas, Houston Division under case 4:23-mj-01645-1.
- b. On October 06, 2021, the Defendant, using the name Lino Covarrubias Rubio was convicted in the Southern District of Florida, Miami Division, for violation of 8 USC 1326(a) and (b)(1), under case 1:19-cr-20079. For this offense, the Defendant was sentenced to 18 months confinement with 3 years of supervised release.
- c. On January 09, 2011, the Defendant, using the name Lino Covarrubias Rubio, was convicted in the Southern District of Texas, Laredo Division, for violation of 8 USC 1325(a)(1), under case 5:11-po-00124. For this offense, the Defendant was sentenced to 25 days confinement.

On August 23, 2023, I contacted the U.S. Attorney's Office, Southern District of Texas, Houston Division, concerning this criminal complaint. On or about that day, Assistant U.S. Attorney Colton Turner (956-566-1263) accepted this case for prosecution for a violation of 8 U.S.C. § 1326(a) and (b)(1).



Justin Vedder, Deportation Officer
United States Department of Homeland Security
U.S. Immigration & Customs Enforcement

Signed and sworn telephonically before me this 23rd day of August, 2023, and I find probable cause.



Yvonne Y. Ho
United States Magistrate Judge
Southern District of Texas